

Docket Item #6
BZA CASE #2006-0044

Board of Zoning Appeals
October 12, 2006

ADDRESS: 323 NORTH SAINT ASAPH STREET
ZONE: RM, RESIDENTIAL
APPLICANT: CARL GUDENIUS AND LAURIE LOWE

ISSUE: Variance to construct a rear addition reducing the required open space.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(B)	Open Space	693 sq. ft.	561 sq. ft.	132 sq. ft.

Staff **recommends denial** of the request because the applicants have not demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.

(insert sketch here)

I. Issue

The applicants propose to build a one story addition at the rear of their house at 323 North Saint Asaph Street, reducing the open space to less than the required 35 percent.

II. Background

The subject property, a townhouse interior end lot, is 16.04 feet wide facing North Saint Asaph Street, 123.42 feet deep, with a total lot area of 1,980 square feet. The minimum lot size in the RM zone is 1,452 square feet.

III. Description

An existing two-story townhouse with basement, on an interior end lot, is located on the front property line facing North Saint Asaph Street, shares a party wall with the building to the west, is separated from the property to the east by approximately a two foot alley and is 94 feet from the rear property line. An open yard at the rear of the building and the open space from one of the two required parking spaces totals 984 square feet of open space.



As shown on the submitted building plans, the applicants propose to build a one story addition at ground level measuring 55 feet by 16 feet. The addition will have a 14 foot by 11 foot open patio area created in the interior. The addition accommodates a family room and a bedroom/bathroom suite with a gallery connecting the two.

The RM zone requires open and usable space in the amount of 35 percent of the lot area. Based on the subject property's lot size of 1,980 square feet, the open space requirement is 693 square feet. Currently there is 984 square feet of open space provided. The graveled parking space provided at the rear of the property is disproportionately large, measuring 50 feet by 15 feet.

The subject property is located in Old & Historic Alexandria and is under the purview of the Board of Architectural Review (BAR).

There have been no variances previously granted for the subject property.

IV. Master Plan/Zoning

The subject property is zoned RM and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Old Town Small Area Plan for residential land use.

V. Requested variances

Section 3-1106 (B)

The applicants request a variance from the required 35 percent open space requirement of the RM zone. The existing open space is 984 square feet when half of the parking space is counted towards open space. The applicants request a 132 square foot variance to build a one story addition to the rear of the current house.

VI. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

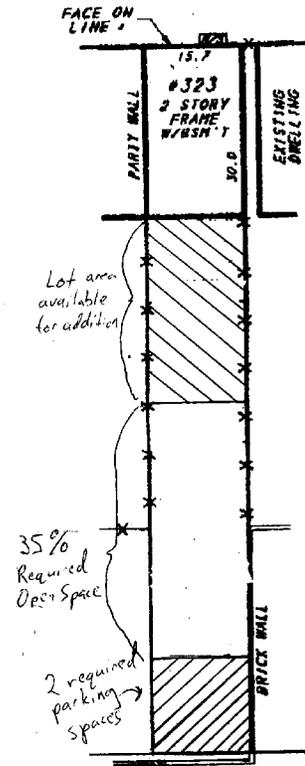
VII. Applicant's Justification for Hardship

The applicants claim that the requirement to provide two off-street parking spaces in concert with the open space requirement eliminates building area necessary for an addition.

N. SAINT ASAPH STREET

VIII. Staff Analysis

Staff finds that the strict application of the zoning ordinance does not result in a legal hardship for the applicants. At 1,980 square feet, the property is well over the minimum lot size of 1,452 square feet for the RM zone. If built as proposed, the subject property will have 561 square feet of open space. With resizing of the required parking spaces at the rear of the property there would be enough lot area to build a rear addition at least 30 feet deep and still maintain the required 693 square feet of open space as well as the two required parking spaces.



Location of addition and required parking in compliance with zoning.

Based upon the above findings, staff **recommends denial** of the variance.

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- R-1 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. The building permit plans shall include information on the location of down spouts and/or sump pump discharge along with connections to a public storm sewer if within 100 feet of the property. If a connection is not available, other approved methods to the satisfaction of the Director of Transportation and Environmental Services may be used. [Refer to Memorandum to Industry dated June 18, 2004. Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- C-1 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-2 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-3 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

Code Enforcement:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

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- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

- F-1 No specimen trees are affected by this plan, however the root systems of trees on adjacent properties are likely to be damaged and result in the loss of trees.

Historic Alexandria (Archaeology):

- F-1 According to Ethelyn Cox's *Historic Alexandria, Street by Street, A Survey of Existing Early Buildings*, the house on this lot dates to the mid-nineteenth century. Tax records from 1850 indicate that there was a free African American household on this street face, but the exact address is not known. The property therefore has the potential to yield archaeological resources, perhaps relating to African Americans, that could provide insight into residential life in nineteenth-century Alexandria..
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

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- R-2 The above statement must appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including sheeting and shoring and grading) so that on-site contractors are aware of the requirement. above must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.